

under the same brand name. As such, consumers who purchase counterfeit MARLBORO® and/or MARLBORO LIGHTS® brand cigarettes are likely to be confused and/or disappointed by obtaining counterfeit cigarettes when they intended to purchase genuine MARLBORO® and/or MARLBORO LIGHTS® brand cigarettes. In addition, the sale of counterfeit MARLBORO® and/or MARLBORO LIGHTS® brand cigarettes is likely to cause confusion among consumers regarding Philip Morris USA's sponsorship or approval of the counterfeit cigarettes. As a result of Defendants' actions, Philip Morris USA is suffering a loss of the enormous goodwill Philip Morris USA created in its MARLBORO® products and is losing profits from lost sales of genuine products.

16. Defendants are likely to continue to commit the acts complained of herein, and unless restrained and enjoined, will continue to do so, all to Philip Morris USA's irreparable damage.

FIRST CLAIM FOR RELIEF

(For Infringement of Registered Trademarks in Violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1))

17. Philip Morris USA specifically realleges and incorporates herein by reference each and every allegation contained in Paragraphs 1 through 16 hereof.

18. The acts of Defendants alleged herein constitute the use in commerce, without the consent of Philip Morris USA, of a reproduction, counterfeit, copy, or colorable imitation of one or more of the Marlboro Trademarks in connection with the sale, offering for sale, distribution, or advertising of goods, which use is likely to cause confusion or mistake, or to deceive consumers and therefore infringe Philip Morris USA's rights in one or more of the Marlboro Trademarks, in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

19. Philip Morris USA has no adequate remedy at law for the foregoing wrongful conduct. Philip Morris USA has been, and absent injunctive relief will continue to be, irreparably harmed by Defendants' actions.

SECOND CLAIM FOR RELIEF

(For False Designation of Origin and Trademark and Trade Dress Infringement in Violation of Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A))

20. Philip Morris USA specifically realleges and incorporates herein by reference each and every allegation contained in Paragraphs 1 through 19 hereof.

21. The acts of Defendants alleged herein constitute the use in interstate commerce of a word, term, name, symbol, or device, or any combination thereof, or false designation of origin, in connection with the sale, or offering for sale, of goods in violation of section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A). These acts of Defendants are likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendants with Philip Morris USA, or as to the origin, sponsorship, or approval of counterfeit cigarettes by Philip Morris USA.

22. Philip Morris USA has no adequate remedy at law for the foregoing wrongful conduct. Philip Morris USA has been, and absent injunctive relief will continue to be, irreparably harmed by Defendants' actions.

THIRD CLAIM FOR RELIEF

(For Unfair Competition in Violation of New York State Common Law)

23. Philip Morris USA specifically realleges and incorporates herein by reference each and every allegation contained in Paragraphs 1 through 22 hereof.

24. Defendants' conduct, as alleged above, constitutes unfair competition under New York State common law. Defendants' acts have resulted in the "passing off" of Defendants'

products as those of Philip Morris USA, or as somehow related or associated with, or sponsored or endorsed by Philip Morris USA.

25. Philip Morris USA has no adequate remedy at law for the foregoing wrongful conduct. Philip Morris USA has been, and absent injunctive relief will continue to be, irreparably harmed by Defendants' actions.

FOURTH CLAIM FOR RELIEF

(For Trademark Infringement Under New York State Common Law)

26. Philip Morris USA specifically realleges and incorporates herein by reference each and every allegation contained in Paragraphs 1 through 25 hereof.

27. The Marlboro Trademarks are valid trademarks under New York State common law.

28. The acts of Defendants alleged herein constitute the use, without the consent of Philip Morris USA, of a reproduction, counterfeit, copy, or colorable imitation of the Marlboro Trademarks in connection with the advertisement, promotion, sale, and distribution of products and/or services identical or near-identical to those offered by Philip Morris USA, which use is likely to cause confusion or mistake, or to deceive consumers and therefore infringe Philip Morris USA's rights in the Marlboro Trademarks, in violation of Philip Morris USA's common law trademark rights.

29. Philip Morris USA has no adequate remedy at law for the foregoing wrongful conduct. Philip Morris USA has been, and absent injunctive relief will continue to be, irreparably harmed by Defendants' actions.

FIFTH CLAIM FOR RELIEF

(For Deceptive Acts and Practices, New York Gen. Bus. Law § 349)

30. Philip Morris USA specifically realleges and incorporates herein by reference each and every allegation contained in Paragraphs 1 through 29 hereof.

31. By the acts described above, including, without limitation, Defendants' false and/or misleading statements regarding the quality of its products and the legality of their sale, Defendants have engaged in deceptive acts or practices in the conduct of business and furnishing of goods in violation of Section 349 of New York General Business Law. Defendants' conduct is consumer-oriented, has affected the public interest of New York State, and has resulted in injury to consumers within New York.

32. Defendants' deceptive acts or practices are materially misleading and, upon information and belief, have actually deceived, and have a tendency to deceive, a material segment of the persons to whom Defendants have directed their marketing activities, and Philip Morris USA has been injured thereby.

33. Philip Morris USA has no adequate remedy at law for the foregoing wrongful conduct. Philip Morris USA has been, and absent injunctive relief will continue to be, irreparably harmed by Defendants' actions.

SIXTH CLAIM FOR RELIEF

(For Trademark Infringement, New York Gen. Bus. Law §§ 360-k *et seq.*)

34. Philip Morris USA specifically realleges and incorporates herein by reference each and every allegation contained in Paragraphs 1 through 33 hereof.

35. Philip Morris USA is the owner of the Marlboro Trademarks. By virtue of Philip Morris USA's prominent, long and continuous use of the Marlboro Trademarks, they have become and continue to be distinctive.

36. The acts of Defendants alleged herein constitute the use in commerce, without the consent of Philip Morris USA, of a reproduction, counterfeit, copy, or colorable imitation of the Marlboro Trademarks in connection with the sale, offering for sale, distribution, or advertising of goods, which use is likely to cause confusion or mistake, or to deceive consumers as to the source of origin of such goods, and therefore infringe Philip Morris USA's rights in the Marlboro Trademarks, in violation of New York General Business Law Sections 360-k *et seq.*

37. Philip Morris USA has no adequate remedy at law for the foregoing wrongful conduct. Philip Morris USA has been, and absent injunctive relief will continue to be, irreparably harmed by Defendants' actions.

PRAYER

WHEREFORE, Plaintiff Philip Morris USA Inc. prays for judgment as follows:

A. For judgment that:

- (i) Defendants have violated Section 32(1) of the Lanham Act, 15 U.S.C. § 1114;
- (ii) Defendants have violated Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a);
- (iii) Defendants have engaged in unfair competition in violation of New York State common law;
- (iv) Defendants have engaged in trademark infringement in violation of New York State common law;
- (v) Defendants have violated Section 349 of New York's General Business Law; and
- (vi) Defendants have violated Sections 360-k *et seq.* of New York's General Business Law.

B. For an injunction restraining and enjoining Defendants and their divisions, subsidiaries, officers, agents, employees, attorneys, and all those persons in active concert or

participation with them who receive actual notice of the order by personal service or otherwise, from (i) purchasing, distributing, selling, or offering for sale, counterfeit MARLBORO® and/or MARLBORO LIGHTS® brand cigarettes, or assisting, aiding or abetting any other person or entity in doing so; or (ii) using the Marlboro Trademarks or trademarks confusingly similar therewith or the MARLBORO® and/or MARLBORO LIGHTS® trade dress or trade dress confusingly similar therewith with the exception of the sale and, offering for sale of genuine MARLBORO® and/or MARLBORO LIGHTS® cigarettes.

C. For an order requiring Defendants to cooperate in good faith with Philip Morris USA in its investigations of counterfeit sales at their retail establishments, including, without limitation, by: (a) permitting representatives of firms under contract with Philip Morris USA to conduct inspections, without notice, of Defendants' cigarette inventories to determine whether any packs of cigarettes bearing the MARLBORO® and/or MARLBORO LIGHTS® trademarks are counterfeit and to retain possession of any such cigarettes that are determined to be counterfeit; (b) responding to reasonable requests for information about Defendants' suppliers of MARLBORO® and/or MARLBORO LIGHTS® cigarettes; and (c) cooperating with Philip Morris USA's representatives in their investigations of any suppliers of MARLBORO® and/or MARLBORO LIGHTS® cigarettes.

D. For an order (i) requiring Defendants to account for and pay over to Philip Morris USA all of Defendants' profits derived from its unlawful conduct, to the full extent provided for by Section 35(a) of the Lanham Act, 15 U.S.C. § 1117(a), including the treble damages where appropriate; (ii) as an alternative to awarding profits under Section 35(a), awarding Philip Morris USA statutory damages as provided for by Section 35(c) of the Lanham Act, 15 U.S.C. § 1117(c); and (iii) awarding Philip Morris USA damages and attorney fees and costs to the full

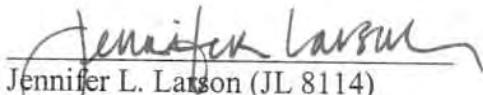
extent provided for by Sections 349 and 360-k *et seq.* of New York's General Business Law; and
(iv) awarding Philip Morris USA general and special damages to the full extent provided by New York State common law.

E. For costs of suit, including attorneys' fees where appropriate, and for such other and further relief as the Court shall deem appropriate.

Dated: New York, New York
September 26, 2007

Respectfully submitted,

HELLER EHRLMAN LLP


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Attorneys for Plaintiff Philip Morris USA Inc.

Of counsel:

John C. Ulin (CA State Bar No. 165524)
HELLER EHRLMAN LLP
333 South Hope Street, 39th Floor
Los Angeles, California 90071
Telephone: (213) 689-0200
Facsimile: (213) 614-1868

EXHIBIT A

EXHIBIT A

DEF. STORE NAME NO.	ADDRESS	CITY	STATE	ZIP	OWNER(S)	BUY DATE(S)	BRAND PURCHASED	
1	A & V MINI-MARKET	1166 PUGSLEY AVE	BRONX	NY	10472	A & V MINIMARKET, INC.	6/6/2007	MARLBORO
2	A.M. GROCERY-DELI	681 E. 187th STREET	BRONX	NY	10458	ABDO K.S. NAGI	6/19/2007	MARLBORO
3	GOURET DELI	770 HUNTS POINT AVENUE	BRONX	NY	10474	GOURET DELI GROCERY CORP.	5/22/2007	MARLBORO
4	LA FAVORITA DELI GROCERY	3515 ROCHAMBEAU AVENUE	BRONX	NY	10459	LA FAVORITA DELI GROCERY CORP.	5/15/2007	MARLBORO
5	UNIVERSITY FOOD MARKET CORP	1538 UNIVERSITY AVENUE	BRONX	NY	10452	UNIVERSITY FOOD MARKET CORP.	4/15/2007	MARLBORO
6	F & J DELI	768 CASTLE HILL AVENUE	BRONX	NY	10473	F & J DELI DELIGHT INC.	6/5/2007	MARLBORO
7	LOPEZ FRUIT & VEGTABLE MARKET	600 SOUTHERN BLVD.	BRONX	NY	10455	FELCIANO LOPEZ FRANCISCA SANTIAGO	4/28/2007	MARLBORO
8	GOLDMINE GROCERY	1288 WASHINGTON AVENUE	BRONX	NY	10456	GOLD MINE GROCERY, INC.	4/25/2007 5/24/2007	MARLBORO MARLBORO
9	TAIZ GROCERY	5 E. GUNHILL ROAD	BRONX	NY	10467	UPTOWN DELI & GROCERY CORP.	5/14/2007	MARLBORO
10	HARLEM CARNICERIA HISPANA & DELI	1634 MADISON AVENUE	NEW YORK CITY	NY	10029	HARLEM CARNICERIA HISPANA & DELI, INC.	4/16/2007	MARLBORO
11	I & I CONVENIENCE STORE	804A E. 180TH STREET	BRONX	NY	10460	I & I CONVENIENCE STORE INC.	5/28/2007	MARLBORO
12	INK ON A	66 AVENUE A	NEW YORK CITY	NY	10009	INKONA NEWS STAND, INC.	5/4/2007	MARLBORO
13	J & B DELI GROCERY CORP.	2344 LORILLARD PLACE	BRONX	NY	10458	J & B DELI GROCERY CORP.	6/19/2007	MARLBORO
14	JEROME DELI GROCERY	1759 JEROME AVENUE	BRONX	NY	10453	TW DELI & GROCERY CORP.	4/21/2007	MARLBORO LIGHTS
15	JUMBO DELI GROCERY	1300 LAFAYETTE AVENUE	BRONX	NY	10474	HAFIZ ABDULLA SAIDI	6/5/2007	MARLBORO
16	K & G DELI	9 W. 183rd STREET	BRONX	NY	10453	K & G DELI GROCERY, INC.	4/27/2007	MARLBORO
17	LEENA DELI & GROCERY	1616 BRUCKNER BLVD.	BRONX	NY	10473	LEENA DELI & GROCERY CORP.	6/6/2007	MARLBORO
18	SOUTHERN BLVD. DELI	901 SOUTHERN BLVD.	BRONX	NY	10459	MENZAL S. AZOOKARI	5/15/2007	MARLBORO
19	MANNYS MINI MARKET	1405 TOWNSHEND AVENUE	BRONX	NY	10452	MANNYS MINI MARKET, INC.	4/15/2007	MARLBORO
20	MATEO GROCERY	1160 FTELEY AVENUE	BRONX	NY	10472	JUANA SUAZO	6/6/2007 6/6/2007	MARLBORO MARLBORO LIGHTS
21	MELISSA GROCERY	1004 E. 174th STREET	BRONX	NY	10460	174th STREET MELISSA FOOD CENTER CORP.	6/18/2007	MARLBORO
22	MATTHEW DELI FOOD CENTER	2085 VALENTINE AVENUE	BRONX	NY	10457	MATTHEW FOOD CENTER CORP.	5/5/2007	MARLBORO
23	315 GROCERY & CANDY	315 E. 194TH STREET	BRONX	NY	10458	315 GROCERY CORP.	6/19/2007	MARLBORO
24	MORRIS AVE. FOOD MART	980 MORRIS AVENUE	BRONX	NY	10456	MORRIS AVE. FOOD MART CORP.	3/30/2007 5/10/2007	MARLBORO MARLBORO
25	NY #1 DISCOUNT GROCERY	192 E. 167th STREET	BRONX	NY	10456	BRONX #1 DISCOUNT GROCERY CORP.	5/13/2007	MARLBORO
26	NY BEST DELI GROCERY	721 BURKE AVENUE	BRONX	NY	10455	ADEL EL SAIDI	5/12/2007	MARLBORO
27	OLIVO GROCERY	280 ST. ANNS AVENUE	BRONX	NY	10454	ANTERO OLIVO SECINDINO OLIVO	4/28/2007	MARLBORO
28	OMRAN GROCERY	2285 1st AVENUE	NEW YORK CITY	NY	10035	ALI OMRAN	4/22/2007	MARLBORO
29	PARADISE DELI GROCERY	2135 1st AVENUE	NEW YORK CITY	NY	10029	HAJJI DELI GROCERY INC.	4/15/2007	MARLBORO
30	RHS DELI GROCERY	1223 BOSTON ROAD	BRONX	NY	10460	R H S GROCERY, INC.	5/26/2007 5/26/2007	MARLBORO LIGHTS MARLBORO
31	RODRIGUEZ DELI GROCERY	1131 HAVEMEYER AVENUE	BRONX	NY	10462	MIGUEL RODRIGUEZ	5/25/2007	MARLBORO
32	TONYS FAMILY GROCERY	526 E. 183rd STREET	BRONX	NY	10458	SOLFIS ZESARINA GUERRERO DE ORTIZ	6/20/2007	MARLBORO
33	S & P NEWS	74 ST & BROADWAY NW CORNER	NEW YORK CITY	NY	10023	UNKNOWN BUSINESS ENTITY	4/16/2007	MARLBORO
34	SALCEDO GROCERY	1150 ANDERSON AVENUE	BRONX	NY	10452	RAMON SALCEDO	4/17/2007	MARLBORO
35	SALEJ GROCERY	646 E. 241st STREET	BRONX	NY	10470	MAJMUD SALEJ	6/8/2007	MARLBORO
36	SAMMY'S II DELI GROCERY INC.	4052 WHITE PLAINS ROAD	BRONX	NY	10466	SAMMY'S II DELI GROCERY INC.	5/18/2007	MARLBORO
37	SAN JUAN FOOD MARKET	919 EAST TREMONT AVENUE	BRONX	NY	10460	SAN JUAN FOOD MARKET, INC.	4/21/2007 4/21/2007	MARLBORO MARLBORO LIGHTS
38	W.A. DELI GROCERY	2039 GRAND CONCOURSE	BRONX	NY	10453	WADDAH ALMAWRI	4/27/2007	MARLBORO
39	STEVEN DELI MARKET	1135 OLMSTEAD AVENUE	BRONX	NY	10472	STEVEN DELI SUPERMARKET CORP.	6/6/2007 6/6/2007	MARLBORO LIGHTS MARLBORO
40	KIANELY FOOD CORP.	1386 NELSON AVENUE	BRONX	NY	10452	KIANELY FOOD CORP.	4/18/2007	MARLBORO
41	NEW WATSON FOOD MARKET	1580 WATSON AVENUE	BRONX	NY	10472	VEGA'S DELI GROCERY INC.	6/6/2007	MARLBORO
42	UNIVERSITY DELI	1705 UNIVERSITY AVENUE	BRONX	NY	10453	UNIVERSITY DELI & GROCERY CORP.	5/8/2007	MARLBORO
43	WA GROCERY	456 E. 149th STREET	BRONX	NY	10455	456 EAST W.A. DELI & GROCERY INC.	4/28/2007 4/28/2007	MARLBORO LIGHTS MARLBORO
44	WEST FARM DELI GROCERY	1002 E. TREMONT AVENUE	BRONX	NY	10460	GAMIL HASSAN	4/20/2007	MARLBORO

EXHIBIT A

DEF NO.	STORE NAME	ADDRESS	CITY	STATE	ZIP	OWNER(S)	BUY DATE(S)	BRAND PURCHASED
45	YEMEN KING DELI	323 E. 108th STREET	NEW YORK CITY	NY	10029	ALI SAEED	5/16/2007	MARLBORO
46	1086 JJP FOOD CENTER INC.	1086 BOSTON ROAD	BRONX	NY	10456	JJP FOOD CENTER INC.	4/21/2007	MARLBORO
47	394 GROCERY	394 E. 167th STREET	BRONX	NY	10456	394 GROCERY CORP.	4/25/2007	MARLBORO
48	676 CASTLE HILL DELI	676 CASTLE HILL AVENUE	BRONX	NY	10473	676 CASTLE HILL GOMEZ GROCERY CORP.	6/5/2007	MARLBORO
49	961 DELI GROCERY	961 E. 165th STREET	BRONX	NY	10456	LATIN GROCERY LLC	4/28/2007	MARLBORO

EXHIBIT B

BEST AVAILABLE COPY

TRADE-MARK.

No. 68,502.

REGISTERED APR. 14, 1908.

PHILIP MORRIS & CO., LTD.

CIGARETTES.

APPLICATION FILED OCT. 11, 1907.

MARLBORO

Proprietor
Philip Morris & Co., Ltd.
by Robert F. Decker
Attorney

REPUBLISHED

Under Sec. 12 (e) 1915 Act MAR 22 1949

AFFIDAVIT SEC. 8 AFFIDAVIT SEC. 15
ACCEPTED RECEIVED 3-30-54**THIRD RENEWAL***Philip Morris, Inc.
New York, N.Y.*CIGARETTES. Registered April 14, 1906.
Philip Morris & Co., Ltd., Registered April 14, 1906, is
Philip Morris & Co., Ltd., Incorporated, New York, N. Y.,
a Corporation of England, a Subsidiary.CIGARETTES. Registered April 14, 1906. Philip
Morris & Co., Ltd., Incorporated April 14, 1906, is Philip
Morris & Co., Ltd., Incorporated, New York, N. Y., a Cor-
poration of England, a Subsidiary. (Class 17.)**UNITED STATES PATENT OFFICE.**

PHILIP MORRIS & CO., LTD., OF NEW YORK, N. Y.

TRADE-MARK FOR CIGARETTES.

No. 68,302.

Statement and Declaration. Registered April 14, 1906.
Application filed October 17, 1907. Serial No. 30,626.**STATEMENT.**

To all whom it may concern:
Be it known that Philip Morris & Co., Ltd., a corporation duly organized under the laws of the State of New York, and located in the city of New York, county of New York, in said State, and doing business at 102 West Broadway, in said city, has adopted for its use the trade-mark shown in the accompanying drawing, for cigarettes, in Class 17, Tobacco products.

The trade-mark has been continuously

used in the business of said corporation and in the business of its predecessor, Philip Morris & Co., Ltd., of London, England, since 1882.

The trade-mark is applied or affixed to the goods, or to the packages containing the same, by placing thereon a printed label on which the trade-mark is shown.

PHILIP MORRIS & CO., LTD.
By HERBERT L. ALDRICH,
President.

Herbert L. Aldrich

DECLARATION.

I, Herbert L. Aldrich, being duly sworn, deposes and says that he is the president of the corporation, the applicant named in the foregoing statement; that he believes the foregoing statement is true; that he believes said corporation is the owner of the trade-mark sought to be registered; that no other person, firm, corporation, or association, to the best of his knowledge and belief, has the right to use said trade-mark, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that said mark is used by said corporation in commerce among the several states of the United States; that the drawing present-

ed truly represents the trade-mark sought to be registered; that the specimens show the trade-mark as actually used upon the goods; and that the mark has been in actual use as a trademark of the applicant for ten years next preceding the passage of the act of February 20, 1905, and that, to the best of his knowledge and belief, such use has been exclusive.

HERBERT L. ALDRICH.

Subscribed and sworn to before me this 10th day of January, 1908.

DAVID FISHER,

Notary Public, 125, King County,

Certificate filed in New York County

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-09-24 10:21:23 ET

Serial Number: 71030646 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 68502

Mark

The logo consists of the word "Marlboro" in a bold, serif font. The letters are black with a textured, almost 3D-like appearance, suggesting a physical cigarette pack. The 'M' is particularly large and prominent.

(words only): MARLBORO

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 1988-11-07

Filing Date: 1907-10-17

Transformed into a National Application: No

Registration Date: 1908-04-14

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-07-06

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. PHILIP MORRIS INCORPORATED

Address:

PHILIP MORRIS INCORPORATED
6601 West Broad Street

Richmond, VA 232616603

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Virginia

GOODS AND/OR SERVICES

U.S. Class: 017 (International Class 034)

Class Status: Active

CIGARETTES

Basis: 1(a)

First Use Date: 1883-00-00

First Use in Commerce Date: 1883-00-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-05-05 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-05-05 - TEAS Change Of Owner Address Received

2005-12-16 - TEAS Change Of Correspondence Received

1988-04-14 - Fourth renewal

1988-04-08 - Section 9 filed/check record for Section 8

1968-04-14 - Third renewal

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

OLGA M. NEDELTSCHEFF

PHILIP MORRIS MANAGEMENT CORP

800 WESTCHESTER AVE # 6N

RYE BROOK NY 10573-1322

EXHIBIT C

United States Patent Office

938,510
Registered July 25, 1972

PRINCIPAL REGISTER
Trademark

Ser. No. 357,884, Filed Mar. 30, 1971



Philip Morris Incorporated (Virginia corporation)
100 Park Ave.
New York, N.Y. 10017

For: CIGARETTES, in CLASS 17 (INT. CL. 34).
First use 1883; in commerce 1883.
Applicant disclaims the words "Filter Cigarettes" apart
from the mark as shown.
The drawing is lined to indicate the colors red and gold
and these colors are used and claimed as a feature of the
mark.
Owner of Reg. Nos. 68,502, 854,007, and others.

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-09-24 10:23:09 ET

Serial Number: 72387884 [Assignment Information](#)

[Trademark Document Retrieval](#)

Registration Number: 938510

Mark



(words only): MARLBOROFILTER CIGARETTES

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2002-04-12

Filing Date: 1971-03-30

Transformed into a National Application: No

Registration Date: 1972-07-25

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2003-10-31

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. PHILIP MORRIS INCORPORATED

Address:

PHILIP MORRIS INCORPORATED
6601 West Broad Street

Richmond, VA 232616603

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Virginia

GOODS AND/OR SERVICES

U.S. Class: 017 (International Class 034)

Class Status: Active

CIGARETTES

Basis: 1(a)

First Use Date: 1883-00-00

First Use in Commerce Date: 1883-00-00

ADDITIONAL INFORMATION

Disclaimer: APPLICANT DISCLAIMS THE WORDS "FILTER CIGARETTES" APART FROM THE MARK AS SHOWN.

Lining and Stippling: THE DRAWING IS LINED TO INDICATE THE COLORS RED AND GOLD AND THESE COLORS ARE USED AND CLAIMED AS A FEATURE OF THE MARK.

Design Search Code(s):

03.05.01 - Horses

03.05.26 - Costumed horses, donkeys, zebras

04.05.25 - Other mythological or legendary animals

19.07.03 - Boxes, cigarette

24.01.03 - Shields or crests with letters, punctuation or inscriptions contained therein or superimposed thereon

Prior Registration Number(s):

68502

854007

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-05-08 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-05-08 - TEAS Change Of Owner Address Received

2002-04-12 - Second renewal 10 year

2002-04-12 - Section 8 (10-year) accepted/ Section 9 granted

2002-02-14 - Combined Section 8 (10-year)/Section 9 filed

1992-04-15 - First renewal 10 year

1992-03-13 - Section 9 filed/check record for Section 8

1977-11-28 - Section 8 (6-year) accepted & Section 15 acknowledged

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

ROBERT J. ECK

Correspondent

Alisa D. Hurlburt
Philip Morris USA Inc.
6601 West Broad Street
Richmond VA 23230

EXHIBIT D

Int. CL: 34

Prior U.S. CL: 17

United States Patent Office

Reg. No. 1,039,412
Registered May 11, 1976

TRADEMARK

Principal Register

MARLBORO LIGHTS

Philip Morris Incorporated (Virginia corporation)
100 Park Ave.
New York, N.Y. 10017

For: CIGARETTES in CLASS 17 (INT. CL. 34).
First use Aug. 25, 1971; in commerce Aug. 25, 1971.
The word "Lights" is expressly disclaimed apart from
the mark in its entirety.
Owner of Reg. Nos. 64,502, 878,062, and others.
Ser. No. 401,870, filed Sept. 2, 1971.

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This page was generated by the TARR system on 2007-09-24 10:24:00 ET

Serial Number: 72401870 [Assignment Information](#)

[Trademark Document Retrieval](#)

Registration Number: 1039412

Mark (words only): MARLBORO LIGHTS

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2006-07-08

Filing Date: 1971-09-02

Transformed into a National Application: No

Registration Date: 1976-05-11

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2006-07-08

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Philip Morris USA Inc.

Address:

Philip Morris USA Inc.
6601 West Broad Street
Richmond, VA 23230
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Virginia

GOODS AND/OR SERVICES

U.S. Class: 017 (International Class 034)

Class Status: Active

CIGARETTES**Basis:** 1(a)**First Use Date:** 1971-08-25**First Use in Commerce Date:** 1971-08-25

ADDITIONAL INFORMATION

Disclaimer: THE WORD "LIGHTS" IS EXPRESSLY DISCLAIMED APART FROM THE MARK IN ITS ENTIRETY.

Prior Registration Number(s):

68502

878062

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-07-08 - Second renewal 10 year

2006-07-08 - Section 8 (10-year) accepted/ Section 9 granted

2006-07-08 - Assigned To Paralegal

2006-05-03 - Combined Section 8 (10-year)/Section 9 filed

2006-05-09 - TEAS Change Of Correspondence Received

2006-05-05 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-05-05 - TEAS Change Of Owner Address Received

2006-05-03 - TEAS Section 8 & 9 Received

2006-05-03 - TEAS Change Of Correspondence Received

1996-05-30 - First renewal 10 year

1996-03-18 - Section 9 filed/check record for Section 8

1982-05-10 - Section 8 (6-year) accepted & Section 15 acknowledged

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

James H. Johnson, Jr.

Correspondent

Alisa D. Hurlburt
Philip Morris USA Inc.
6601 West Broad Street
Richmond VA 23230

EXHIBIT E

Int. Cl.: 34

Prior U.S. Cl.: 17

United States Patent Office

Reg. No. 1,039,413
Registered May 11, 1976

TRADEMARK
Principal Register



Philip Morris Incorporated (Virginia corporation)
100 Park Ave.
New York, N.Y. 10017

For: CIGARETTES, in CLASS 17 (INT. CL. 34).
First use not later than Sept. 2, 1971; in commerce not
later than Sept. 2, 1971.
The word "Lights" is expressly disclaimed apart from
the mark in its entirety.
The words "Veni-Vidi-Vici" are Latin and mean "I
came, I saw, I conquered."
Owner of Reg. Nos. 68,502, 760,533, and others.

Ser. No. 430,002, filed July 17, 1972.

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Serial Number: 72430002 [Assignment Information](#)

[Trademark Document Retrieval](#)

Registration Number: 1039413

Mark



(words only): MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VEDI VICI PM

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2006-07-08

Filing Date: 1972-07-17

Transformed into a National Application: No

Registration Date: 1976-05-11

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2006-07-08

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. PHILIP MOFFIS USA INC.

Address:

PHILIP MOFFIS USA INC.

6601 West Broad Street
RICHMONS, VA 23230
United States

Legal Entity Type: Corporation
State or Country of Incorporation: Virginia

GOODS AND/OR SERVICES

U.S. Class: 017 (International Class 034)

Class Status: Active

CIGARETTES

Basis: 1(a)

First Use Date: 1971-09-02

First Use in Commerce Date: 1971-09-02

ADDITIONAL INFORMATION

Disclaimer: THE WORD "LIGHTS" IS EXPRESSLY DISCLAIMED APART FROM THE MARK IN ITS ENTIRETY.

Translation: THE WORDS "VENI-VIDI-VICI" ARE LATIN AND MEAN "I CAME, I SAW, I CONQUERED."

Design Search Code(s):

03.01.02 - Lion insignia (heraldic lion)

19.07.03 - Boxes, cigarette

24.01.03 - Shields or crests with letters, punctuation or inscriptions contained therein or superimposed thereon

26.11.02 - Plain single line rectangles; Rectangles (single line)

26.15.21 - Polygons that are completely or partially shaded

Prior Registration Number(s):

68502

760533

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-07-08 - Second renewal 10 year

2006-07-08 - Section 8 (10-year) accepted/ Section 9 granted

2006-07-08 - Assigned To Paralegal

2006-05-03 - Combined Section 8 (10-year)/Section 9 filed

2006-05-09 - TEAS Change Of Correspondence Received

2006-05-05 - Applicant/Correspondence Changes (Non-Responsive) Entered

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1996-04-30 - First renewal 10 year

1996-03-18 - Section 9 filed/check record for Section 8

1982-05-10 - Section 8 (6-year) accepted & Section 15 acknowledged

ATTORNEY/CORRESPONDENT INFORMATION

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